

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Kevin Schaap,

Plaintiff,

vs.

Kentucky Higher Education Student Loan  
Corporation; Kentucky Higher Education  
Assistance Agency; Equifax Information  
Services; Experian Information Services;  
TransUnion, LLC,

Defendants.

Civil Action No. 0:16-cv-2779-CMC

**ORDER**

This matter is before the court on Plaintiff's complaint alleging violations of the Fair Credit Reporting Act and state law. ECF No. 1. Defendants filed a joint motion to dismiss due to Plaintiff's failure to participate in discovery. ECF No. 111. A *Roseboro* order was entered by the court and mailed to Plaintiff, advising Plaintiff of the importance of a dispositive motion and the need for Plaintiff to file an adequate response. ECF No. 114. Plaintiff filed his response in opposition. ECF No. 124. Defendants filed replies. ECF Nos. 126, 129. This motion is now ripe for resolution. Also ripe are Plaintiff's motion for summary judgment and default judgment.<sup>1</sup> ECF Nos. 64, 164, 166.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On July 25, 2017, the Magistrate Judge issued a

---

<sup>1</sup> Plaintiff has also filed a plethora of non-dispositive motions. See ECF Nos. 69, 70, 71, 83, 95, 151, 159, 160, 161, 162, 165, 167, 168, 169.

Report recommending Defendants' motion to dismiss be granted and Plaintiff's motions denied. ECF No. 183. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citation omitted).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the Report's recommendation Defendants' motion to dismiss be granted and Plaintiff's motions for default and summary judgment be denied. Accordingly, the court adopts the Report by reference in this Order. Plaintiff's motions (ECF Nos. 64, 164, 166) are denied. Defendants' motion to dismiss (ECF No.

111) is granted and this matter is dismissed without prejudice. The parties' remaining motions (ECF Nos. 51, 60, 69, 70, 71, 83, 95, 151, 154, 159, 160, 161, 162, 165, 167, 168, 169) are moot.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
August 16, 2017